

UNITED STATES OF AMERICA
POSTAL REGULATORY COMMISSION
WASHINGTON, DC 20268-0001

Before Commissioners:

Robert G. Taub, Chairman;
Nanci E. Langley, Vice Chairman;
Mark Acton; and
Tony Hammond

Competitive Product Prices
Global Expedited Package Services 3 (MC2010-28)
Negotiated Service Agreement

Docket No. CP2016-55

ORDER APPROVING MODIFICATION ONE TO AGREEMENT
AND DENYING AS MOOT MOTION FOR TEMPORARY RELIEF

(Issued December 29, 2016)

The negotiated service agreement approved in this proceeding (Agreement) is set to expire December 31, 2016.¹ On December 28, 2016, the Postal Service filed a combined motion for temporary relief and notice of filing a modification (Modification One) to the Agreement.² The Postal Service states that it expects to file a successor to

¹ See Order Approving Additional Global Expedited Package Services 3 Negotiated Service Agreement, December 29, 2015, at 5, 7 (Order No. 2947).

² See Motion of the United States Postal Service for Temporary Relief and Notice of the United States Postal Service of Filing Modification One to Global Expedited Package Services 3 Negotiated Service Agreement, December 28, 2016 (Motion). A redacted version of Modification One appears as Attachment 1 to the Motion. Motion at 1 n.2. The customer and the Postal Service have executed Modification One. *Id.* at 1. The Postal Service filed an unredacted version of Modification One under seal and incorporates by reference a previous Application for Non-Public Treatment of Materials Filed Under Seal. *Id.* at 1 n.2; see also Notice of United States Postal Service of Filing a Functionally Equivalent Global Expedited Package Services 3 Negotiated Service Agreement and Application for Non-Public Treatment of Materials Filed Under Seal, December 16, 2015, Attachment 4.

the Agreement in a new rate docket. Motion at 1. Pending the initiation of that docket, the Postal Service requests that the Commission approve the Agreement, as modified, and list it on the Mail Classification Schedule from the day after the Commission completes its review until February 28, 2017. *Id.* at 1-2.

The Commission finds that the extension will not affect the Agreement's ability to comply with 39 U.S.C. § 3633(a). Extending the Agreement temporarily is in the public interest and will not prejudice any person. Consequently, the Commission reaffirms its findings in Order No. 2947 and approves Modification One. The Agreement, as modified, is authorized to continue through February 28, 2017. Accordingly, the Motion is denied as moot.³

It is ordered:

1. The Agreement, as modified, is authorized to continue through February 28, 2017.
2. The Motion of the United States Postal Service for Temporary Relief is denied as moot.

By the Commission.

Stacy L. Ruble
Secretary

³ In its Motion, the Postal Service acknowledges that the Commission has previously directed it to file motions for temporary relief at least one week prior to the expiration date of the agreement. *Id.* at 1 n.3. The Postal Service states that it "sent [Modification One] to the customer on December 12, 2016, the customer signed the modification on December 20, 2016, and the Postal Service signing authority received the modification late in the day on December 23, 2016." *Id.* The Commission has repeatedly stated that motions for temporary extensions of an agreement should be filed at least one week prior to the agreement's expiration date. See, e.g., Docket No. CP2013-70, Order No. 3495, Order Granting Motion for Temporary Relief, September 2, 2016, at 1 n.1. Failure to do so may compromise the Commission's ability to act prior to the contract's expiration, which may inadvertently harm the Postal Service's customers (e.g., inability to ensure continuity of previously negotiated rates).